

December 12, 2006

Ex Parte

Ms. Marilyn Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as amended by the Cable Television Consumer Protection and Competition Act of 1992, MB Docket No. 05-311

Dear Ms. Dortch,

This notice is to record our attempt at ex parte meetings with FCC Commissioners Tate, Adelstein, Chairman Martin, MacDowell and Copps. We attempted to state our concerns directly via phone or via voicemail on December 12th, 2006 but were unsuccessful because, the mailboxes were full, there wasn't anyone available, or we were told to fax/e-mail our comments. Our comments are summarized as follows:

Hello, my name is Savannah Hawkins. I am the owner of (The) Lusory located in Chicago, Illinois.

I am writing about MB 05-311 on video franchising. The following are our concerns: We unite with Alliance for Community Media members in calling for competition **without destruction** of local, community controlled media.

1) The proposed rule eliminates incentive for providers to negotiate in good faith. If the city and the provider do not come to agreement in 90 days, the new provider can proceed without agreement. They can then make billions of dollars in our public land without considering local needs. This framework would be unreasonable.

2) The proposed rule lacks a remedy for geographic discrimination. Public, Education and Government Access, or PEG, are tools to engage our local communities in democracy. Democratic participation should be for all, not based on a company

business rule. The public-right-of-way is owned by all in our community, not just those in an area lucky enough to be served. We believe that inevitable market imbalances must be anticipated by the FCC, as they were by Congress, and that any rule-making must provide these three elements:

- A) A standard for identifying imbalances in service.
- B) A party responsible for identifying the imbalance—logically, the municipality.
- C) A means for prevention or remedy of the imbalance.

3) The proposed rule reduces the support for PEG, institutional networks and other in-kind services from that allowed by current Federal law. It is in direct contradiction to language written by the telephone companies and already passed in key states such as California or Texas. This reduction would eliminate a valued community resource with no demonstrated effect on either subscriber price or level of competition.

4) The changes being proposed are dramatic and **over-step the FCC's authority**. We believe that such changes to the law should be made by **CONGRESS, not the FCC**. These changes will slow competition by confusing the legal framework. **Changes to the law should be decided by law-makers, not usurped by the FCC.**

We look forward to working with the FCC to establish a process which supports both competition and community fairness. Please contact us if you have questions or comments.

Thank you for your consideration.

Sincerely yours,
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Congressional Delegation: Senator Durbin, Senator Obama, Congresswoman
Schakowsky